

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GINA McINTOSH, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

KATAPULT HOLDINGS, INC., LEE
EINBINDER, HOWARD KURZ, ORLANDO
ZAYAS, KARISSA CUPITO and DEREK
MEDLIN

Defendants.

Case No. 1:21-cv-07251-JPO

**NOTICE OF MOTION AND UNOPPOSED MOTION FOR
ENTRY OF ORDER PRELIMINARILY APPROVING SETTLEMENT AND
ESTABLISHING NOTICE PROCEDURES**

PLEASE TAKE NOTICE that Lead Plaintiff Matis Nayman, individually and on behalf of all others similarly situated, will hereby move this Court on a date and at such time as may be designated by the Honorable Katharine H. Parker, at the United States District Court, Southern District of New York, Courtroom 17D, 500 Pearl Street, New York, NY 10007, for entry of an Order: (1) preliminarily approving the terms of the Settlement as set forth in the Stipulation of Settlement (“Stipulation”), filed concurrently herewith; (2) approving the form and method for providing notice of the Settlement; and (3) scheduling a Settlement Hearing and deadlines for mailing and publication of the Notice, the filing of Settlement Class Member objections, the filing of Settlement Class Member opt-out notices, the filing of Plaintiffs’ motion for Final Approval of the Settlement, and the filing of Class Counsel’s application for attorneys’ fees and expenses.

This motion is based on this Notice of Motion, the Stipulation and all exhibits attached thereto, Plaintiffs’ supporting Memorandum of Law, all filed contemporaneously herewith, and all

pleadings, records, and papers on file herein.

Dated: July 3, 2024

Respectfully submitted,

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

/s/ Matthew M. Guiney

Matthew M. Guiney
270 Madison Avenue
New York, New York 10016
Telephone: (212) 545-4600
Facsimile: (212) 686-0114
guiney@whafh.com

Lead Counsel for Plaintiffs and the Class

Brian Schall (Pro Hac Vice forthcoming)

THE SCHALL LAW FIRM
2049 Century Park East, Suite 2460
Los Angeles, California 90067
Telephone: (424) 303-1964
brian@schallfirm.com

Additional Counsel

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2024, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Matthew M. Guiney